

REMARKS

Upon entry of this response to the September 13, 2004 Office Action, Claims 1-7 remain pending in the subject patent application.

In the September 13, 2004 Office Action, Claims 1, 2 and 6 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,594,320 Sayeed (hereinafter referred to as "Sayeed"). Claims 3-5 and 7 were objected to for being dependent upon a rejected base claim (independent Claim 1), but were otherwise indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully requests reconsideration of the claims in view of the comments set forth below.

Claim Rejections – 35 U.S.C. § 102(e), Claims 1, 2 and 6

In the Office Action, Claims 1, 2 and 6 were rejected for allegedly being anticipated by Sayeed. For the following reasons, Applicant respectfully disagrees.

Sayeed discloses a method of estimating the local oscillator carrier offset in and OFDM radio system. The method disclosed involves inserting a spectral null at the center of the transmit spectrum, locating the null at the receiver, and estimating the offset using the position of the null.

By contrast, the method claimed in the present patent application recites, among other operations, "receiving a string composed of a same basic constituent repeated ten times", and then "sampling said string to collect a plurality of measurements".

Comparing Sayeed to independent Claim 1 of the present application reveals that Sayeed does not teach or suggest the subject matter claimed in Claim 1. Sayeed does not teach, as is asserted in the Office Action, “receiving a string composed of a same constituent repeated ten times”, and then “sampling said string to collect a plurality of measurements”. Further, unlike the presently claimed invention, Sayeed relies on inserting a spectral null at the center of the transmit spectrum, and then locating the position of that null to estimate an offset. For at least these reasons, Applicant respectfully believes that Sayeed cannot be properly maintained as an anticipating reference. Applicant requests, therefore, that the § 102(e) rejection of independent Claim 1, as allegedly being anticipated by Sayeed, be withdrawn.

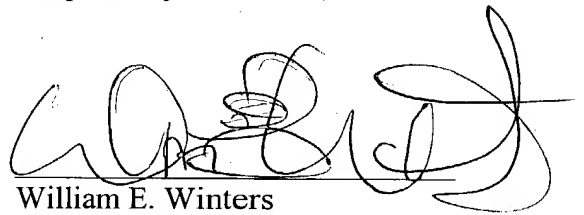
Claims 2 and 6 both depend from independent Claim 1. Accordingly, they too should be allowed as depending from an allowable base claim. Applicant requests, therefore, that the § 102(e) rejections of dependent Claims 2 and 6, as allegedly being anticipated by Sayeed, also be withdrawn.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner has any further questions or comments concerning the amendments made herein, he is encouraged to telephone the undersigned at 408-282-1857.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. E. Winters', written over a horizontal line.

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